

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

STATE OF CALIFORNIA, *ex rel.*
JAYDEEN VICENTE and JAYDEEN
VICENTE, Individually,

No. C 07-04911 CRB

ORDER

Relator,

v.

ELI LILLY AND CO.,

Defendant.

/

Now pending before the Court is defendant's ex parte motion to place under seal certain documents attached to the Complaint. Civil Local Rule 79-5(a) provides that a "sealing order may issue only upon a request that establishes that the document, or portions thereof, is privileged or protectable as a trade secret or otherwise entitled to protection under the law." "A stipulation, or a blanket protective order that allows a party to designate documents as sealable, will not suffice to allow the filing of documents under seal." Id.

Defendant's motion is DENIED without prejudice to defendant renewing its motion and actually making the showing required by the Local Rule. Defendant has not submitted any evidence that establishes that the particular documents attached to the Complaint that it seeks to seal are confidential. Defendant must offer evidence as to what the documents are and why they are confidential; simply asserting that the documents are the same or similar to

1 documents covered by a protective order in another case in another court does not meet
2 defendant's burden.

3 **IT IS SO ORDERED.**

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5 Dated: October 22, 2007
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CHARLES R. BREYER
UNITED STATES DISTRICT JUDGE